

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Franklin Bynum	Team: Team # 6	CCRB Case #: 200310050	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/12/2003 12:12 AM	Location of Incident: E 125th St and Madison Ave	Precinct: 25	18 Mo. SOL 6/12/2005	EO SOL 6/12/2005	
Date/Time CV Reported Tue, 12/16/2003 7:31 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/19/2003 10:50 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. LT Kieran Creighton	00000	901383	PBMN TF
3. SGT Patrick McCormick	04806	890497	PBMN TF
4. SGT Patrick McDonough	03674	900919	PBMN TF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Steven Desimone	20955	922215	PBMN TF

Officer(s)	Allegation	Investigator Recommendation
A.LT Kieran Creighton	Discourtesy: Lt. Kieran Creighton spoke obscenely and rudely to § 87(2)(b)	
B.LT Kieran Creighton	Abuse: Lt. Kieran Creighton refused to provide his name to § 87(2)(b)	
C.SGT Patrick McCormick	Abuse: Sgt. Patrick McCormick refused to provide his name and shield number to § 87(2)(b)	
D.SGT Patrick McDonough	Abuse: Sgt. Patrick McDonough refused to provide his name and shield number to § 87(2)(b)	
E. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon race.	

Synopsis

Early on the morning of December 12, 2003, § 87(2)(b) was parked blocking a lane of traffic on 125th Street near Park and Madison Avenues. Lt. Kieran Creighton and his operator PO Steven Desimone stopped § 87(2)(b) for obstructing a lane of traffic on East 125th Street in Manhattan. § 87(2)(b) He finally provided the card, and Lt. Kieran Creighton of Manhattan North Task Force called in Sgt. Patrick McCormick and Sgt. Patrick McDonough to inspect the ID card, which he did not recognize. During the stop, § 87(2)(b) made several 911 calls to, among other things, request the SPRINT number and the 28th Precinct Executive Officer. Lt. Creighton's operator, PO Steven Desimone, finally issued a VTL summons.

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b) called IAB on December 16, 2003 (enc. 4) and left only his name and that he worked for the § 87(2)(b). He reported that an officer from the Manhattan North Task Force called him a "stupid nigger" or a "stupid black man" on December 12, 2003.

§ 87(2)(b) was interviewed at the CCRB on February 25, 2004 (enc. 6). He stated that on December 12, 2003, at approximately 12:12 A.M., he was driving eastbound on 125th Street § 87(2)(b). He pulled his car over just past Madison Avenue to investigate a noise the vehicle was making and parked it at a slant, like a "half-parallel park." He felt he could park his car illegally because there was no traffic in the area. § 87(2)(b) exited the vehicle and saw a marked RMP driving down the street towards him.

The RMP stopped and Lt. Creighton asked § 87(2)(b) what he was doing from inside the car. § 87(2)(b) replied that he was fixing his vehicle, and apologized for illegally parking. § 87(2)(b) Lt. Creighton asked § 87(2)(b) for identification to go with his uniform. § 87(2)(b) said "no problem," and provided his wallet. The lieutenant said, "take the fucking ID out of the wallet." § 87(2)(b) complied. The lieutenant noticed that § 87(2)(b)'s identification card indicated that § 87(2)(b) was not allowed to carry a firearm. The lieutenant asked § 87(2)(b) if he was on "LOD." § 87(2)(b) angrily asserted that it was his choice not to carry an off-duty firearm. PO Steve Desimone, identified later when he verbally provided his name and shield number, then also asked § 87(2)(b) if he was on modified duty. § 87(2)(b) said that it was not the officers' business. Lt. Creighton then told § 87(2)(b) that he should have more respect for a superior officer, and took § 87(2)(b)'s identification to his RMP.

§ 87(2)(b) walked to the RMP and asked Lt. Creighton if he had called central and provided an 84 time. Lt. Creighton told § 87(2)(b) to go back to his car. § 87(2)(b) went back to his car and called 911 and asked if there was a job for his location. On the telephone with 911, § 87(2)(b) spoke with § 87(2)(b), whom he knew personally § 87(2)(b). The supervisor told § 87(2)(b) that he would send a supervisor.

Shortly afterwards, a sergeant arrived and parked behind the first RMP. The sergeant did not approach § 87(2)(b) he only went to speak with Lt. Creighton. § 87(2)(b) walked back and asked all the officers for their names and shield numbers. The lieutenant's operator approached § 87(2)(b) and said, "yeah, you can take my badge number down." He said his name was Desimone. Lt. Creighton told PO Desimone,

“Stevie, come here, leave that alone” after he provided his name and shield number. Then the lieutenant and the sergeant and the sergeant’s operator covered their names and shield numbers “like they were saying the pledge of allegiance.” They told § 87(2)(b) to sit down and stop causing trouble, and asked § 87(2)(b) not to give them any reason to arrest him.

§ 87(2)(b) went back to his car, turned the interior lights on and reclined in the seat. He saw the sergeant’s RMP leave the scene. Then, Lt. Creighton and PO Desimone approached the car, and a summons was thrown in § 87(2)(b) s lap. A voice rudely told him to read the instructions on the back. Then a voice called § 87(2)(b) a “stupid nigger” or a “stupid black.” He does not recall which, and did not see who said it. He could not identify which officer said it from their voices.

Results of Investigation

Officer Interviews

Lt. Kieran Creighton (enc. 10) and PO Steven Desimone (enc. 7)

Lt. Creighton and PO Desimone, both of the Manhattan North Task Force, were interviewed at the CCRB on May 6 and March 19, 2004, respectively. They worked together on the night of the incident § 87(2)(g) § 87(2)(b). They stated that on December 12, 2004 at approximately midnight there was a car parked obstructing a lane of traffic eastbound on 125th Street. Lt. Creighton instructed his operator PO Desimone to pull behind the illegally parked vehicle.

Either PO Desimone or Lt. Creighton then said over the loudspeaker “move the car.” Lt. Creighton said that the driver of the car, § 87(2)(b) stepped out of the vehicle, opened a plainclothes non-uniform jacket to reveal a dark blue shirt § 87(2)(b) and walked away towards the sidewalk, away from his vehicle. PO Desimone said that when they arrived, § 87(2)(b) was already out of his vehicle, speaking to a “woman of questionable character” on the street.

Lt. Creighton exited the vehicle, approached § 87(2)(b) somewhere between the driver-side door and the front of § 87(2)(b) s vehicle and stated, “give me your ID card.” § 87(2)(b) said that he was in uniform, and would not give his ID card. Lt. Creighton told § 87(2)(b) again to show his ID card, and § 87(2)(b) produced an ID card inside a wallet. Lt. Creighton told § 87(2)(b) a third time to surrender his ID card, and § 87(2)(b) finally took the card out of the wallet and handed it to the lieutenant. Lt. Creighton denied saying, “take the fucking ID out of the wallet.” PO Desimone simply described this interaction as an argument about ID. Lt. Creighton did say that he discussed the marking on the ID that said “no off-duty firearm,” but said that he did not remember § 87(2)(b) s answer to his question about why he carried no firearm. Lt. Creighton said that he simply asked why it was marked that way.

Lt. Creighton handed the ID card to PO Desimone and the two walked back to their RMP. Once inside, Lt. Creighton summoned his Task Force sergeants to verify the validity of the § 87(2)(b) ID, which did not look familiar to Lt. Creighton. While the officers were in their vehicle, § 87(2)(b) was outside his vehicle pacing.

At this point, PO Desimone adds part of the interaction that Lt. Creighton did not mention specifically, even under direct questioning. As the officers sat in the vehicle preparing the summons and verifying § 87(2)(b) s employment, § 87(2)(b) got out of his vehicle and started pacing back and forth and demanding PO Desimone’s identification “three or four times.” PO Desimone told § 87(2)(b) to go back to the car, and that he would provide the name and shield information when he finished writing the summons. PO Desimone is “not sure” whether § 87(2)(b) asked Lt. Creighton for his name and shield number. No one ever covered their shields or nameplates. PO Desimone is “not sure” whether Lt. Creighton ever ordered him to stop talking with § 87(2)(b). When Lt. Creighton was asked if he or any other officer had to order § 87(2)(b) to stand back, or to go back to his vehicle, he stated that he did not recall any such interaction. Lt. Creighton added, though that it was “very possible” that he or another officer had to order § 87(2)(b) back to his vehicle.

Sgt. McCormick and Sgt. McDonough responded to the scene and pulled behind Lt. Creighton’s RMP. Outside his RMP, Lt. Creighton asked them if it was a proper § 87(2)(b) ID, and asked what the

notification process was for § 87(2)(b). Both PO Desimone and Lt. Creighton agree that neither of the sergeants ever spoke with § 87(2)(b).

Soon after the sergeants arrived, PO Desimone completed the summons and walked to the vehicle to hand it to § 87(2)(b). When PO Desimone handed § 87(2)(b) the summons, Lt. Creighton was on the passenger side of § 87(2)(b)'s vehicle. Neither PO Desimone nor Lt. Creighton called § 87(2)(b) by any ethnic slur. None of the four officers ever covered their nameplates. Lt. Creighton stated that he never heard § 87(2)(b) ask for any officer's name or shield number.

Sgt. Patrick McCormick (enc. 8) and Sgt. Patrick McDonough (enc. 9)

Sgt. Patrick McCormick was interviewed at the CCRB on April 20, 2004 and Sgt. Patrick McDonough was interviewed by Inv. Allison Farmer at the CCRB on April 22, 2004. The sergeants worked together on the night of the incident § 87(2)(g). They stated that on December 12, 2004 at approximately midnight they received a call for assistance from Lt. Creighton regarding § 87(2)(b) ID card.

Upon their arrival to the location, Sgt. McDonough pulled the RMP behind Lt. Creighton's RMP, and Lt. Creighton got out of his vehicle and met the sergeants in front of their vehicle. Lt. Creighton explained that he was conducting a car stop involving § 87(2)(b) employee and wanted to know if he had to make any special notifications. Lt. Creighton also asked the sergeants to look at § 87(2)(b) identification provided by the stopped individual, § 87(2)(b) as it had a special mark saying "no firearm." Lt. Creighton was not familiar with the § 87(2)(b) identification, and asked if it was valid.

After answering Lt. Creighton's questions, the sergeants returned to their RMP when a woman approached the window and explained that she needed an officer to get on the phone with her auto club to resolve a dispute stemming from an earlier auto accident on Madison Avenue at 125th Street. The sergeants assisted the woman.

Both sergeants agree that they never spoke to § 87(2)(b) and he never spoke to them. Sgt. McDonough stated that not only did he and § 87(2)(b) not speak, but he never actually saw § 87(2)(b). The sergeants left the scene at 12:40 PM after clearing up the situation with the abandoned vehicle. No one ever asked for name and badge information. Neither sergeant said or heard any officer say any racial slur that evening. Neither sergeant covered his badge and never saw any other officer do so.

Disposition of Summons Issued to § 87(2)(b)

§ 87(2)(b)) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Communications Records

NYPD Communications division provided recordings of two 911 calls made by § 87(2)(b) (enc. 13). In the earliest provided call, § 87(2)(b) refers to a previous call, when he called and simply asked if there was a job for the location. A recording of that call was not provided, and the call likely did not generate a SPRINT job.

In the first recorded call, § 87(2)(b) deals mainly with § 87(2)(b) § 87(2)(b). He can be heard on the phone asking an officer for a name and shield number, but the officer's voice is not audible and there is no other indication of which officer was being asked.

Three times— twice in the first call and once in the second— § 87(2)(b) said that Lt. Creighton told him simply to take the ID card out of the wallet. He never alleged that the officers cursed.

§ 87(2)(b) also repeatedly asserted that the officers were refusing to identify themselves. He provided no specifics regarding this allegation in the first call, only repeating that the lieutenant and his operator were refusing to identify themselves. In the second call, § 87(2)(b) volunteers that there are two

officers and one “keeps covering his badge.” He later says that “they keep covering their badges . . . they all sat around and covered their badges.”

Subject Officers’ CCRB Histories

There is no record of any of the subject officers being disciplined as a result of any substantiated CCRB allegation (enc. 2).

Complainant’s CCRB History

This is § 87(2)(b) s first appearance in any CCRB case as a complainant, victim or witness (enc. 3).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Undisputed Facts

At approximately midnight on December 12, 2003, § 87(2)(b) s car was illegally double parked on 125th Street near Park and Madison Avenues headed eastbound. § 87(2)(b) had stopped there on his way § 87(2)(b) § 87(2)(b) was wearing § 87(2)(b) uniform under a civilian jacket and sweatpants.

Soon after § 87(2)(b) parked, Lt. Creighton and PO Desimone arrived. When the officers arrived, § 87(2)(b) opened his jacket to show his § 87(2)(b) uniform. Lt. Creighton approached § 87(2)(b) standing outside his vehicle, and asked several times for identification to go with the uniform. § 87(2)(b) refused several times, and finally showed an identification through a clear window in his wallet. Lt. Creighton insisted that § 87(2)(b) surrender his ID card, which he then did. Lt. Creighton returned to his vehicle, where he summoned Sgt. McCormick and Sgt. McDonough to verify that the ID card § 87(2)(b) produced was valid.

Meanwhile, § 87(2)(b) paced about the scene, entering and exiting his vehicle frantically and calling 911 to ask if the lieutenant had generated a communications job corresponding to the stop in question.

Shortly afterwards, the sergeants arrived and spoke with Lt. Creighton outside Lt. Creighton’s vehicle. They confirmed that the § 87(2)(b) ID card was valid, and discussed what notifications should be made. The sergeants then left, and before driving away were approached by a woman who had an auto accident on Madison Avenue at 125th Street earlier in the evening. The sergeants assisted the woman in dealing with her auto club to remove her car from the street.

At the conclusion of the stop, PO Desimone approached § 87(2)(b) s vehicle and handed him a summons while Lt. Creighton stood near the vehicle.

Credibility Analysis

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) also uttered no profanity in describing his interaction with Lt. Creighton to 911 as the incident occurred, but months later to CCRB he said that Lt. Creighton cursed.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation A: Lt. Kieran Creighton spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation B: Lt. Kieran Creighton refused to provide his name to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation C: Sgt. Patrick McCormick refused to provide his name and shield number to § 87(2)(b)

Allegation D: Sgt. Patrick McDonough refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation E: An officer made remarks to § 87(2)(b) § 87(2)(b) based upon race.

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted].

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: